



## NEBRASKA STATE RECORDS BOARD

### MINUTES

Meeting of January 28, 2009

**Agenda Item 1. CALL TO ORDER, ROLL CALL.** The meeting was called to order by Chairman John A. Gale at 9:05 A.M. on January 28, 2009, in the Lower Level Conference Room, Executive Building, 501 South 14<sup>th</sup> Street, Lincoln, Nebraska.

A Roll Call was taken. The following Board members were present:

John A. Gale, Secretary of State, State Records Administrator and Chairman;  
Brenda L. Decker, representing the Governor;  
Leslie S. Donley, representing the Attorney General;  
Michael D. Foley, Auditor of Public Accounts;  
Jason Hayes, representing the State Treasurer;  
Carlos Castillo, Director of Administrative Services;  
Ryne D. Seaman, representing the Banking Industry;  
John P. Curry, representing the Insurance Industry;  
Thomas D. Freimuth, representing the Legal Profession;  
Julie A. Beno, representing Libraries;  
Timothy L. Loewenstein, Representing the General Public;  
Michael P. Edgcombe, representing the Media

Staff in attendance:

Josh Daws, IT Officer;  
Kacey Nelkin Pedersen, Recording Clerk;  
Ron Moravec, Legal Counsel;  
Cathy Danahy, Executive Director

**Agenda Item 2. ANNOUNCEMENT OF NEBRASKA OPEN MEETING ACT.** Chairman Gale announced that in accordance with the Nebraska Open Meetings Act, reproducible written materials to be discussed at the open meeting are located in the back of the meeting room. Also, a copy of the Nebraska Open Meetings Act is posted in the back of the meeting room.

**Agenda Item 3. NOTICE OF HEARING.** Chairman Gale announced public notice of the meeting was given by posting notice in the Lincoln Journal Star newspaper on January 1, 2009 and the state's website public meeting calendar. A copy of the Notice and Affidavit of Publication by the printer is included in the Board records. A current copy of the agenda has been kept in the Secretary of State's office listing the date, time and location of the meeting

**Agenda Item 4. ADOPTION OF AGENDA.** Mr. Seaman moved to adopt the agenda as presented; motion seconded by Ms. Donley.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Hayes
	Loewenstein	Seaman			

Voting Against: None

The motion carried.

**Agenda Item 5. APPROVAL OF MINUTES.** Mr. Foley moved to approve the November 18, 2008 meeting minutes as presented; motion seconded by Ms. Beno.

Voting For:	Beno	Curry	Decker	Donley	Foley
	Freimuth	Gale	Loewenstein	Pirsch	

Voting Against: None

Abstaining: Castillo Edgecombe Hayes

The motion carried.

**Agenda Item 6. PUBLIC COMMENT.** Chairman Gale asked the members of the audience if anyone wished to come forward to provide public comment on any of the agenda items. No audience member indicated a desire to come forward.

#### **Agenda Item 7. CHAIRMAN'S REPORT**

**Agenda Item 7. a. (1) and a. (2)** Chairman Gale reported that although on the agenda, Addendum Six to the Interagency Agreement between the Department of Health & Human Services Finance and Support and the NE State Records Board, and the Interagency Agreement between the Department of Motor Vehicles and the NE State Record will not be presented for consideration at this meeting. Brent Hoffman, Nebraska.gov explained the addendum and the agreement and reported they will both be presented at the next State Records Board meeting.

**Agenda Item 7. a. (3)** Chairman Gale reported Addendum Twelve to the Interagency Agreement between the Office of the Secretary of State and the NE State Records Board was signed on January 16, 2009. Mr. Foley said this addendum should have been identified as an 'action item' since it is regarding fees. Mr. Moravec said the item should be delayed until the next State Records Board meeting.

**Agenda Item 7. a. (4)** Chairman Gale reported Addendum Eight to the Interagency Agreement between the Nebraska Supreme Court and the Nebraska State Records Board was signed on January 16, 2009. Mr. Hoffman explained the addendum.

#### **Agenda Item 8. NETWORK MANAGER RFP DRAFTING SUBCOMMITTEE**

Ms. Donley moved that the Board go into closed session for the purpose of receiving legal advice regarding a draft of the Request For Proposal for a Network Manager to manage the Nebraska.gov Network and for the protection of the public interest; seconded by Mr. Seaman.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Hayes
	Loewenstein	Seaman			

Voting Against: None

The motion carried.

Chairman Gale moved the Board into closed session at 9:20 A.M. seeing a vote of twelve in favor and none against, for the limited purpose of receiving legal advice regarding a draft of the request for proposal for a Network Manager to manage the Nebraska.gov Network and for the protection of the public interest. Ms. Donley moved that the Nebraska State Records Board adjourn from this closed session discussion of a preliminary Request for Proposal and return to the public meeting portion of the State Records Board; seconded by Mr. Foley.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Hayes
	Loewenstein	Seaman			

Voting Against: None

The motion carried.

Chairman Gale reconvened the State Records Board in open session at 10:22 A.M.

**Agenda Item 9. NETWORK MANAGER**

Chairman Gale asked Mr. Lemon, Independent Contractor, hired to advise and assist the Board in the hiring of a Network Manager, to form a motion. Mr. Lemon stated the motion should be to approve the release of the Request for Proposal for Network Manager services as submitted in the written document and distributed to the Board today with the suggested changes on pages 31, adding the language in section HH *all contractor and parent company (if any) books, records and documents relating to work performed or monies received and paid;* deleting the sentence on page 45 sub section H *2008 results are not yet available* and adopting or accepting the various strikeouts that are showing in the document. Mr. Lowenstein moved to submit the motion; seconded by Mr. Edgecombe.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Hayes
	Loewenstein	Seaman			

Voting Against: None

The motion carried.

**Agenda Item 10. FINANCES REVIEW SUBCOMMITTEE**

Mr. Foley reported on the 2006-2007 PriceWaterhouse annual audit of Nebraska Interactive, LLC. He distributed a hand-out and thanked his Subcommittee, Mr. Seaman and Mr. Curry, his staff, Greg Lemon and Brent Hoffman who all assisted in preparing the report. Mr. Foley walked the Board through 4 PowerPoint slides showing recent and current year's revenue and discussed trends.

Mr. Foley moved to accept the PriceWaterhouse Annual Audit Report; seconded by Ms. Beno.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Hayes
	Loewenstein	Seaman			

Voting Against: None

The motion carried.

### Agenda Item 11. GENERAL COUNSEL'S REPORT

**11. a. Extension of Contract for Independent Contractor Greg Lemon.** Mr. Moravec reported the current Independent Contractor Agreement with Greg Lemon for legal services regarding the RFP for a Network Manager is set to expire on April 28, 2009. Since the primary purpose of the original Agreement will not be completed until January 31, 2010, he recommended the Board extend Mr. Lemon's contract until January 31, 2010. Ms. Decker moved to approve the extension of Mr. Lemon's contract to January 31, 2010, seconded by Mr. Hayes.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Hayes
	Loewenstein	Seaman			

Voting Against: None

The motion carried.

Chairman Gale declared a recess at 10:50 A.M.

Chairman Gale reconvened the meeting at 11:00 A.M.

Mr. Hayes did not return to the meeting.

**11. b. Electronic Content Management System (ECMS) Resolution of Support.** Mr. Moravec introduced the letter from Chairman Gale discussing the Electronic Content Management System (ECMS) and the Resolution of Support requesting the Board's consideration to adopt the resolution in assisting Secretary Gale in his endeavor to obtain funding for this program. Mr. Daws described the system. He explained the system would interact with the email system provided by the OCIO and allow agencies to manage their email records based on Records Retention Schedules. After a lengthy discussion, Chairman Gale thanked the Board for their interest and participation in the discussion and indicated he understood the need for further explanation beyond making the Board aware of this issue. Chairman Gale withdrew the Resolution of Support from consideration.

Mr. Seaman left the meeting at 11:37 A.M.

**11. c. Update on Attorney General's Opinion Request.** Mr. Moravec reported on the Attorney General's Opinion, requested by Treasurer Osborn in November, 2008, regarding *Whether motor vehicle registrations may be offered on Nebraska.gov, and whether a percentage-based fee may be charged for that service; Authority of the Nebraska State Records Board.* Mr. Moravec said his verbal understanding is that the opinion supports the position that the State Records Board has taken on the issues. Mr. Moravec will get a copy of the Opinion and Ms. Danahy will distribute to the Board members before the next meeting.

### Agenda Item 12. EXECUTIVE DIRECTOR'S REPORT

**12. a. State/Local Grant Status Report.** Ms. Danahy introduced the report of the 2<sup>nd</sup> quarter FY09.

**12. c. Reinvested Revenue Report.** Ms. Danahy introduced the Reinvested Revenue Report and the NSRB Cash Fund Balance Report.

**12. b. NE Geospatial Data Sharing & Web Services Network Grant – Second Extension Request.** Ms. Danahy introduced Mr. Steve Henderson, Information Technology Administrator, Office of the CIO. Mr. Henderson explained the project and distributed a handout showing the progress and status of the project. Mr. Henderson explained that hiring a project manager has been difficult, however as of December, 2008 a project manager has been hired and the progress is picking up. Mr. Curry moved to grant a second 6 month extension to the project; seconded by Mr. Loewenstein.

Voting For:	Beno	Castillo	Curry	Donley
	Edgecombe	Foley	Freimuth	Gale
	Loewenstein			
Voting Against:	None			
Abstaining:	Decker			
Absent:	Hayes	Seaman		

The motion carried.

**12. d. NSRB Cash Fund Balance Report.** Ms. Danahy introduced the NSRB Cash Fund Balance Report. A discussion took place regarding increasing grant limits to \$50,000, increasing the \$250,000 annual limit and marketing of the grant program itself. Chairman Gale said Nebraska.gov is aggressive in educating state agencies of the availability of these grants. Mr. Foley moved to approve the Cash Fund Balance Report; seconded by Mr. Curry.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Hayes
	Loewenstein				
Voting Against:	None				
Absent:	Hayes	Seaman			

The motion carried.

**12. e. Post Project Report – City of Bellevue.** Ms. Danahy introduced the post grant project report from the City of Bellevue's Information Accessibility Project Local Agency Grant.

### **Agenda Item 13. NEBRASKA.GOV REPORTS**

Chairman Gale approved the request of Mr. Hoffman to move agenda item 13. a. State of the Portal to the end of Agenda Item 13.

**13. b. General Manager's Report.** Mr. Brent Hoffman presented an executive summary of the General Manager's Report.

**13. c. Business Plan 2009.** Mr. Hoffman presented the 2009 Nebraska.gov Business Plan.

**13. d. Project Priority Report.** Mr. Hoffman presented the Project Priority Report for approval. Ms. Donley moved to approve the Project Priority Report; with the motion being seconded.

Voting For:	Beno Edgecombe Loewenstein	Castillo Foley	Curry Freimuth	Decker Gale	Donley Hayes
Voting Against:	None				
Absent:	Hayes	Seaman			

The motion carried.

Mr. Foley & Ms. Decker left the meeting at 1:12 P.M.

**13. a. State of the Portal.** Mr. Hoffman and Ms. Carmen Easley, Director of Marketing, Nebraska.gov, gave a PowerPoint presentation on the State of the Portal.

**Agenda Item 14. DATE FOR NEXT MEETING.**

Chairman Gale announced the date of the next Records Board meeting will be Wednesday, May 27, 2009 in Room 1507, State Capitol, Lincoln, Nebraska.

**Agenda Item 15. ADJOURNMENT.**

Ms. Donley moved to adjourn the meeting; with the motion being seconded.

All members signified by saying "aye". Chairman Gale declared the meeting adjourned.



John A. Gale  
Secretary of State  
State Records Administrator  
Chairman, State Records Board